

CAHILL GORDON & REINDEL LLP
32 OLD SLIP
NEW YORK, NY 10005

DANIEL AMATO
 DANIEL R. ANDERSON
 PETER J. ARMENIO
 HELENE R. BANKS
 ANIRUDH BANSAL
 LANDIS C. BEST
 CHRISTOPHER BEVAN
 BROCKTON B. BOSSON
 DONNA M. BRYAN
 SARAH W. CHEN
 EMEKA C. CHINWUBA
 JAMES J. CLARK
 CHRISTOPHER W. CLEMENT
 ANDREW COCHRAN
 LEWIS RINAUDO COHEN
 AYANO K. CREED
 SEAN M. DAVIS
 STUART G. DOWNING
 MICHAEL A. DVORAK
 ADAM M. DWORKIN
 ANASTASIA EFIMOVA

SAMSON A. ENZER
 JAMES Z. FANG
 GERALD J. FLATTMANN JR.
 KIERSTEN A. FLETCHER
 HELENA S. FRANCESCHI
 JONATHAN J. FRANKEL
 SESI GARIMELLA
 ARIEL GOLDMAN
 PATRICK GORDON
 JASON M. HALL
 STEPHEN HARPER
 CRAIG M. HOROWITZ
 TIMOTHY B. HOWELL
 COLLEEN TRACY JAMES
 DAVID G. JANUSZEWSKI
 BRIAN S. KELLEHER
 ANDREW R. KELLY
 RICHARD KELLY
 JOEL KURTZBERG
 TED B. LACEY
 ANDREW E. LEE

TELEPHONE: (212) 701-3000
 WWW.CAHILL.COM

1990 K STREET, N.W.
 WASHINGTON, DC 20006-1181
 (202) 862-8900

221 W. 10th STREET, 3rd FLOOR
 WILMINGTON, DE 19801
 (302) 884-0000

CAHILL GORDON & REINDEL (UK) LLP
 20 FENCHURCH STREET
 LONDON EC3M 3BY
 +44 (0) 20 7920 9800

WRITER'S DIRECT NUMBER
 (212) 701-3833

ALIZA R. LEVINE
 JOEL H. LEVITIN
 MARK LOFTUS
 JOHN MacGREGOR
 MICHAEL MAKHOTIN
 TRISTAN E. MANLEY
 BRIAN T. MARKLEY
 MEGHAN N. McDERMOTT
 EDWARD N. MOSS
 JOEL MOSS
 NOAH B. NEWITZ
 EDWARD C. O'CALLAGHAN
 JULIANA OBREGON
 JAVIER ORTIZ
 DAVID R. OWEN
 JOHN PAPACHRISTOS
 LUIS R. PENALVER
 SHEILA C. RAMESH
 MICHAEL W. REDDY
 OLEG REZZY
 THOMAS ROCHER *

NIKOLAS X. RODRIGUEZ
 PETER J. ROONEY
 MATTHEW E. ROSENTHAL
 THORN ROSENTHAL
 TAMMY L. ROY
 ANDREW SCHWARTZ
 DARREN SILVER
 JOSIAH M. SLOTHNICK
 RICHARD A. STIEGLITZ JR.
 GREGORY STRONG
 SEAN R. TIERNEY
 AMIT TREHAN
 HERBERT S. WASHER
 FRANK WEIGAND
 MILES C. WILEY
 PETER G. WILLIAMS
 DAVID WISHENGRAD
 C. ANTHONY WOLFE
 ELIZABETH M. YAHL

* ADMITTED AS A SOLICITOR IN
 ENGLAND AND WALES ONLY

May 13, 2025

VIA ECF

Hon. Jennifer L. Rochon
 Southern District of New York
 500 Pearl Street, Room 1920
 New York, NY 10007

Request GRANTED. The Court adopts the parties' proposed briefing schedule as set forth below. Discovery in *Hurlock* (25-cv-03891) shall be stayed pending resolution of the anticipated motions to dismiss.

SO ORDERED.

Dated: May 15, 2025
 New York, New York


 JENNIFER L. ROCHON

RE: *Clarke v. Chow, et al.*, No. 1:25-cv-03268 (S.D.N.Y.) *Hurlock v. Kelsier Ventures et al.*, 1:25-cv-03891 (S.D.N.Y.) United States District Judge

Dear Judge Rochon,

We represent Defendant Benjamin Chow in the above-referenced matters,¹ and write on behalf of Mr. Chow and Plaintiffs in both actions pursuant to Section 1.F of Your Honor's Individual Rules of Practice in Civil Cases to respectfully propose a schedule for further proceedings in these actions.

On April 19, 2025, Plaintiffs Jonathan Clarke and Rodrigo Ferreira da Cruz Vogt commenced an action by filing a complaint in this Court alleging, *inter alia*, violations of the Securities Act of 1933 and the Securities Exchange Act of 1934. On March 17, 2025, Plaintiff Omar Hurlock commenced an action by filing a complaint alleging statutory and common law claims under New York law in the Supreme Court of New York for the County of New York. Mr. Chow timely removed the *Hurlock* action to this Court on May 9, 2025. Mr. Chow has agreed to accept service of the summons and complaints in both actions while reserving his rights to assert any and all defenses in the matters, including, but not limited to, lack of personal or subject matter jurisdiction, lack of standing, improper venue, and that the claims asserted are subject to

¹ The *Hurlock* action has been referred to Your Honor as related to the *Clarke* action, but has not yet been assigned.

arbitration.

On April 25, 2025, in the *Clarke* action, the Court entered an order consistent with the Private Securities Litigation Reform Act of 1995 (“PSLRA”) requiring that any members of the purported class move the Court to serve as Lead Plaintiff by June 23, 2025, and that any oppositions be filed by July 7, 2025. (No. 1:25-cv-03268-JLR, Dkt. 19.) The Court also scheduled a conference to consider any motions for appointment of Lead Plaintiff and Lead Counsel and for consolidation on July 17, 2025, at 12:00 p.m. (*Id.*)

Mr. Chow’s current deadline to respond to the *Hurlock* complaint is May 16, 2025. *See* Fed. R. Civ. P. 81(c)(2).

We have conferred with counsel for Plaintiffs, and Mr. Chow and Plaintiffs respectfully request that the Court adjourn Mr. Chow’s time to move, answer, or otherwise respond to the complaints in both cases and adopt the schedule set forth below in both actions (and any future consolidated action in the event that any related complaints are filed):

- Hurlock and Lead Plaintiff shall each file an amended complaint within 60 days after the Court’s appointment of Lead Plaintiff and Lead Counsel in the *Clarke* action;
- Mr. Chow’s deadline to move, answer, or otherwise respond to the amended complaints in both actions shall be 60 days after the filing of the amended complaints;
- Lead Plaintiff’s and Hurlock’s oppositions to Mr. Chow’s motions to dismiss, if any, shall be filed within 60 days after the filing of Mr. Chow’s motions to dismiss; and
- Mr. Chow’s replies in further support of his motions to dismiss, if any, shall be filed within 30 days after the filing of Lead Plaintiff’s and Hurlock’s oppositions.

Although the claims alleged in the *Hurlock* action are not governed by the PSLRA, Plaintiffs and Mr. Chow agree that it would be most efficient and convenient for the Court to consider the claims together because of the similarities among the underlying factual and legal issues. For that reason, the parties respectfully request that the Court stay discovery in the *Hurlock* action pending resolution of the motions to dismiss, so that the Court may coordinate discovery in both matters.

CAHILL GORDON & REINDEL LLP

-3-

This is the parties' first request for an adjournment.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sheila C. Ramesh", with a long horizontal flourish extending to the right.

Sheila C. Ramesh

cc: All attorneys via ECF